

AMENDMENT TO THE DRAWINGS

The originally filed drawings were filed as informal drawings. Replacement formal drawings have been prepared. The replacement formal drawings are attached.

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application and for courtesies extended during the Examiner Interview.

Disposition of Claims

Claims 79-81, 83, 85-92 and 95-101 were pending in the referenced application. Claim 83 has been cancelled by this reply without prejudice or disclaimer. With respect to the pending claims, claim 79 is independent. The remaining claims depend, directly or indirectly, from independent claim 79.

Claim Amendments

Claims 79 has been amended by this reply to include the limitations of cancelled claim 83. Further, claim 101 has been amended to correct a typographical error noted by the Examiner. No new matter has been added by any of the aforementioned amendment.

Drawing Amendments

Replacement formal drawings have been provided with this response. The replacement formal drawings do not include any new matter. Applicants respectfully request the Examiner acknowledge the replacement formal drawings.

Interview Summary

The Examiner issued an Interview Summary on October 21, 2008. Applicants have reviewed the summary and agree with its contents except for the Examiner's comments with respect to the support for pending claim 81 in Provisional Application Serial No. 60/055,608. Specifically, Applicants respectfully clarify that there is support for claim 81 in corresponding U.S. Patent Application Serial No. 09/132,327.

Rejections Under 35 U.S.C. §103

Claims 79-80, 90, and 98-100 stand rejected under 35 U.S.C. § 102(c) as being unpatentable over U.S. Patent No. 6,486,895 ("Robertson") in view of the article entitled "Blue Squirrel WebWhacker Macintosh Manual, Blue Squirrel, 1997 ("Blue"). To the extent that this rejection applies to amended claim 79, the rejection is respectfully traversed.

MPEP § 2143 states that "[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in KSR noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit." Further, when combining prior art elements, the Examiner "must articulate the following: (1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference...." MPEP § 2143(A). Applicants respectfully assert that Robertson and Blue fail to disclose each and every element of amended independent claim 79, either individually or combined.

Specifically, independent claim 79 has been amended to include the limitations of now cancelled claim 83. As noted in the Interview Summary, none of the prior art references teach or suggest the limitations of claim 83. Thus, the prior art, whether considered separately or in combination, fails to teach or suggest all the limitations of amended independent claim 79. Accordingly, amended independent claim 79 is patentable over the cited prior art. Pending dependent claims are patentable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Claims 85-89, 91-92, 95-97 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson and Blue in view of the article entitled “Laura Lemay’s Web Workshop Microsoft FrontPage 97” (“Lemay”) and U.S. Patent No. 6,473,752 (“Fleming”). As discussed in the Interview Summary, Fleming is not valid prior art in view of the English translation of Provisional Application Serial No. 60/055,608, to which the referenced application claims priority. Accordingly, this rejection is now moot and withdrawal is respectfully requested.

Claim 81 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson, Blue, Lemay, Fleming, and U.S. Patent No. 6,029,182 (“Nehab”). As discussed in the Interview Summary, Fleming is not valid prior art in view of the English translation of Provisional Application Serial No. 60/055,608, to which the referenced application claims priority. Accordingly, this rejection is now moot and withdrawal is respectfully requested.

Claim 83 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson, Blue, Nehab, and Fleming. Claim 83 has been cancelled by this reply. Accordingly, this rejection is now moot.

Claim 83 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson, Blue, Nehab, and the article entitled “CLIENT/SERVER END-TO-END RESPONSE TIME: REAL LIFE EXPERIENCE” (“Maccabee”). Claim 83 has been cancelled by this reply. Accordingly, this rejection is now moot.

Claim 81 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson, Blue, Lemay, Fleming, and Maccabee. As discussed in the Interview Summary, Fleming is not valid prior art in view of the English translation of Provisional Application Serial No. 60/055,608, to which the referenced application claims priority. Accordingly, this rejection is now moot and withdrawal is respectfully requested.

Claim 101 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Robertson, Blue, and Lemay. To the extent this rejection applies to the pending claims, the rejection is respectfully traversed.

Claim 101 depends from amended independent claim 79 and independent claim 79 has been amended to include the limitations of now cancelled claim 83. Further, as noted in the Interview Summary, none of the prior art references teach or suggest the limitations of claim 83. Thus, the prior art, whether considered separately or in combination, fails to teach or suggest all the limitations of amended independent claim 79. Accordingly, amended independent claim 79 is patentable over the cited prior art. Pending dependent claim 101 is patentable for at least the same reasons. Withdrawal of this rejection is respectfully requested.

Conclusion

Applicants believe this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 17363/002001).

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Respectfully submitted,

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Attachments (Replacement Sheets)